

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
KEYBOARD() DIVISION

KEYBOARD(Plaintiff),

Plaintiff,

v.

KEYBOARD(),

Defendant.

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KEYBOARD()

VOIR DIRE

CANNOT USE VOIR DIRE TO INGRATIATE OR OBTAIN A

PRE-COMMITMENT

(Kim opens Court and reminds jurors they are still under oath.)

The matter to be taken up at this time is the case of **KEYBOARD(Plaintiff)**

v. **KEYBOARD(Defendant)** CASE NUMBER **KEYBOARD()**.

Is the Plaintiff ready to proceed?

Is the Defendant ready to proceed?

We are about to select a jury for the trial of this case that has been announced ready for trial. To assist the Court and the attorneys in that selection process, we are going to proceed with what is called “voir dire” examination.

The purpose of voir dire examination is to give the lawyers a full opportunity to inform themselves about the jury panel so that they may responsibly exercise their duties to their respective clients to select a fair and impartial jury for the trial of this particular case. No one wishes to probe unnecessarily into your private affairs, but the lawyers need to know, and the parties are legally entitled to know some information about you. Therefore, please answer each question as fully and as accurately as you can. We need you to give your best, honest, and sincere effort to answer each question. The information you give in response to the court’s and the lawyers’ questions will be used only by the court and the

lawyers to select a qualified jury for the trial of this case.

I am now going to request the courtroom deputy to call the roll of jurors who have been summoned to this courthouse for a term of jury service through a random selection process, and have been selected through a similar type random selection process to come into this courtroom as a possible jury venire, and who are now seated in the order in which that random selection process put you. As the courtroom deputy calls your name, would you please stand and tell us in a loud voice the information requested on the card each of you has been given.

(Kim)

JUROR VOIR DIRE CARD

1. WHAT WERE YOUR ADDRESSES WITHIN THE LAST FIVE YEARS?

(CITY, COUNTY, STATE only)

2. WHAT KIND OF WORK DO YOU DO?

(IF RETIRED, TELL US WHAT YOU DID BEFORE RETIREMENT.)

3. WHO DO YOU WORK FOR?

WHERE?

FOR HOW LONG?

4. WHAT OTHER JOBS HAVE YOU HAD IN THE LAST FIVE YEARS?

5. WHAT WAS THE HIGHEST LEVEL OF SCHOOL YOU FINISHED?

--WHAT DEGREES HAVE YOU RECEIVED?

6. ARE YOU MARRIED?

7. DOES YOUR SPOUSE HAVE A JOB?

WHAT KIND OF WORK?

(IF RETIRED, WHAT WAS THE WORK DONE BEFORE RETIREMENT?)

8. HAVE YOU EVER HEARD A CASE AS A JUROR?

--WHAT KIND OF CASE?

--WHO WON?

--WERE YOU THE FOREPERSON?

9. HAVE YOU EVER BEEN A WITNESS IN COURT?

-- WHAT KIND OF CASE?

--WHO CALLED YOU (BROUGHT YOU TO COURT TO TESTIFY)?

10. HAVE YOU OR YOUR SPOUSE EVER SUED OR BEEN SUED?

(LEAVE OUT DIVORCE OR CHILD CUSTODY CASES.)

WHAT WAS THE CASE ABOUT?

HOW DID THE CASE TURN OUT?

WERE YOU SATISFIED WITH THE RESULT?

11. WHAT ARE YOUR HOBBIES AND SPECIAL INTERESTS?

As I indicated a few minutes ago, we are commencing the trial of the case of

KEYBOARD(Plaintiff)v. KEYBOARD(). This case generally involves (Check with Attorneys)

KEYBOARD()

Now, ladies and gentlemen, as indicated earlier, I am going to ask you some questions after which the attorneys will be allowed to ask you some additional questions, if they so desire. Please answer these questions completely and truthfully. If the answer is “Yes”, raise your hand and only give your name in a loud, clear voice when called upon to respond.

1. Has anyone read or heard anything about this case?
2. Is any juror familiar with the facts that may be involved in this particular case?

How did you become familiar?

3. Does any member of the jury panel know of any reason why you may be prejudiced for or against the Plaintiff– or – for or against the Defendant because of

the nature of this particular case or otherwise? In other words, is there anyone of you who could not be fair to both sides in this case because this case involves allegations of **KEYBOARD()**?

4. Do any of you know another person who is on this jury panel?
5. Do you know, or are you related by blood or marriage, to Plaintiff **KEYBOARD(Plt's name)**?
6. Are you related by blood or marriage to defendant **KEYBOARD()**?
7. Have any of you or any person related to any of you by blood or marriage ever been employed by the Plaintiff **KEYBOARD()**?
8. Have any of you or any person related to any of you by blood or marriage ever been employed by the Defendant **KEYBOARD()**?
9. The attorneys in the case are **KEYBOARD(Pltf's atty - get from Pretrial Order)**, representing the Plaintiff **KEYBOARD(Plaintiff)**, and **KEYBOARD(Deft's atty -**

get from Pretrial Order) representing Defendant **KEYBOARD()**. Do any of you know personally any of the attorneys in the case? Which one and how?

Are any of you related by blood or marriage to any of the attorneys in this case?

Do any of you personally know, or have any of you or any members of your immediate family, to your knowledge, been represented by any of the attorneys in this case, or their law firms? Which one and how?

Have any of you, or any members of your immediate family, to your knowledge been involved in any matter in which any of these attorneys or their law firms were involved?

10. Has anyone talked with you about this case or discussed it in your presence prior to your coming into this courtroom today?
11. Would any of you be the least bit hesitant promptly to report to me or the courtroom deputy should someone approach you about this case or talk to you

about it while you are serving as a juror?

12. Is there anyone who believes for whatever reason that they would be unable, if chosen to serve on the jury in this case, to be fair and impartial to both sides and to return a verdict based solely on the facts as you determine them to be from the evidence and the law as I give it to you to be applied to those facts?
13. Do any of you know or are any of you acquainted with the following persons who may testify in this case:
 - a. If so, explain the nature and extent of your relationship or knowledge of such person.
14. Can any of you think of any other matter that you should call to the court's attention that may have some bearing on your qualifications as a juror or that may prevent you from rendering a fair and impartial verdict based solely on the evidence and my instructions as to the law?

We anticipate that this case will take **KEYBOARD()** days to try.

Would this length of trial work an undue hardship on anyone?

I have now asked the questions I needed to ask. Now, the attorneys may ask you some questions. Please answer them fully and truthfully.

Any additional questions by counsel may be asked from the podium and will be limited to 15 minutes per side (or per attorney?)

Does the Plaintiff have any additional questions? If so, proceed.

Does the Defendant have any additional questions? If so, proceed.

I'm now going to ask the attorneys, Court Reporter and Courtroom Deputy to meet with me in my chambers. Court will remain in session and I will ask the members of the jury panel to keep your seats during this brief meeting.

(In Chambers) Are there any members of the jury panel from whom either party needs further information? (If so, they are brought in individually.)

CHALLENGES FOR CAUSE:

A. DOES THE PLAINTIFF HAVE ANY CHALLENGES FOR CAUSE? (IF SO, LISTEN TO REASON, THEN OBTAIN DEFENDANT'S RESPONSE, THEN RULE.)

B. DOES THE DEFENDANT HAVE ANY CHALLENGES FOR CAUSE? (IF SO, LISTEN TO REASON, THEN OBTAIN PLAINTIFF'S RESPONSE, THEN RULE.)

[Before leaving chambers make sure all seating charts reflect any strikes for cause and advise attorneys regarding any jurors not before them and have them mark out extra jurors brought up to cover strikes for cause.]

RETURN TO COURTROOM:

[GIVE ATTORNEYS 15 MINUTES TO CONSIDER THEIR STRIKES. RELEASE JURY FOR 20 MINUTES ADVISING THEM TO RETURN PROMPTLY AND TAKE THE SAME SEATS WHEN THEY RETURN, i.e., LOOK AT YOUR NEIGHBORS ON EACH SIDE OF YOU AND REMEMBER WHERE YOU ARE SEATED. ADVISE ATTORNEYS

TO PROMPTLY FILE THEIR STRIKE FORMS WITH THE COURTROOM DEPUTY, KIM CLARK, WHEN COMPLETED.

Copies of each side's peremptory strikes are made and lists are exchanged.]

JUDGE RETURNS TO CHAMBERS

(Next, attorneys, courtroom deputy, and court reporter rejoin judge in chambers.)

- A. Ask Courtroom Deputy to read the names of the jurors selected in the trial of the case.
- B. Ask Plaintiff if satisfied with the jury selection process and the jury selected? Any challenges to Defendant's peremptory strikes? If so, get Defendant's explanation and rule.
- C. Ask Defendant if satisfied with the jury selection process and jury selected. Any challenges to Plaintiff's peremptory strikes? If so, get government's explanation and rule.

ALL RETURN TO COURTROOM:

A. DIRECT COURTROOM DEPUTY TO READ THE NAMES OF THE JURORS
SELECTED, ASK JURORS TO RAISE THEIR HANDS AND LEAVE HAND RAISED IF
THEIR NAME IS CALLED.

(KIM CLARK)

B. DIRECT JURORS WHOSE NAMES ARE CALLED TO STEP INTO THE JURY
BOX.

C. DIRECT COURTROOM DEPUTY TO CALL THE NAMES ONE MORE TIME
FOR VERIFICATION.

D. ASK EACH SIDE IF THIS IS THE JURY SELECTED AND IF THEY ARE
SATISFIED WITH THE JURY SELECTION PROCESS.

THANK AND RELEASE JURORS NOT SELECTED – DIRECT THEM BACK TO
THE JURY ASSEMBLY ROOM FOR FURTHER INSTRUCTIONS.

“I WILL NOW CALL UPON THE COURTROOM DEPUTY TO ADMINISTER THE

FINAL OATH TO THE JURORS SELECTED TO HEAR THIS CASE.”

GO TO PRELIMINARY INSTRUCTIONS.